APPEAL NO. 020513
FILED APRIL 16, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on February 6, 2002. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury in the form of an occupational disease; that the date of the claimed injury is _____; that the respondent (carrier) is not relieved from liability under Section 409.002 because the claimant timely notified the employer pursuant to Section 409.001; and that because the claimant did not sustain a compensable injury, he did not have disability. The claimant appealed, arguing that the hearing officer's determinations are against the great weight and preponderance of evidence regarding compensability and disability. The carrier filed a response, urging affirmance. The hearing officer's determinations that the date of the claimed injury is _____, and that the carrier is not relieved from liability under Section 409.002 because the claimant timely notified the employer pursuant to Section 409.001 have not been appealed, and have therefore become final. Section 410.169.

DECISION

Affirmed.

There was conflicting evidence presented on the factual questions of whether the claimant had a compensable occupational disease injury and whether there was disability. Section 410.165(a) provides that the hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). This is equally true regarding medical evidence. Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). The trier of fact may believe all, part, or none of the testimony of any witness. Aetna Insurance Company v. English, 204 S.W.2d 850 (Tex. Civ. App.-Fort Worth 1947, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); Pool v. Ford Motor Co., 715 S.W.2d 629, 635 (Tex. 1986). Applying this standard, we find no grounds to reverse the factual findings of the hearing officer.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

CORPORATION SERVICE COMPANY
800 BRAZOS, SUITE 750
COMMODORE 1
AUSTIN, TEXAS 78701.

Michael B. McShane
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Chris Cowan
Appeals Judge